

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTE ORDER

VAUGHN R. WALKER
United States District Chief Judge

DATE: November 17, 2006

COURTROOM DEPUTY: Cora Delfin

Court Reporter: Connie Kuhl

MDL NO. 06-1791

**In Re NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS
LITIGATION AND ALL RELATED CASES**

COUNSEL FOR PLAINTIFF:

Cindy Cohn, Lee Tien
Barry Himmelstein
Laurence Pulgram
Mark Guzzi, Peggy Whipple
Jacob Perkinsen
Jon Eisenberg

COUNSEL FOR DEFENDANT:

AT&T : Bruce Ericson, Bradford Berenson
Ann Brick, Harvey Grossman,
Edward McNicholas
USA: Carl Nichols, A. Coppolino
TDS TELECOMM: E Garth Black
Cyrus Wadia
VERIZON: John Andrew Rogovin
Samir Jain
BELL SOUTH: Douglas Young
Michael Kenny
SPRINT: John Kester
COMCAST: Christopher Soriano
CHARTER COMM: Thomas Burke

PROCEEDINGS:

The court heard argument on the following:

- (1) whether the government intends to assert the state secrets privilege in all of the cases transferred pursuant to MDL 1791;
- (2) whether plaintiffs intend to file consolidated/master complaints;
- (3) what issues in these cases may be resolved without implicating the state secrets privilege, if asserted;
- (4) what discovery may proceed and how it should be coordinated;
- (5) issues related to the plaintiffs' proposed organizational structure;

RESULTS:

The court also sets the following schedule:

All parties to SHOW CAUSE in writing why the <u>Hepting</u> order should not apply to all cases and claims to which the government asserts the state secrets privilege	December 14, 2006
Hearing on motions to remand brought by plaintiffs in <u>Riordan</u> , 06-3574, <u>Campbell</u> , 06-3596, <u>Chulsky</u> , 06-2530, and <u>Bready</u> , 06-6313	December 21, 2006, at 2:00 pm
Hearing on media intervenors' motions to unseal documents in <u>Hepting</u> , 06-672	December 21, 2006, at 2:00 pm
Master complaints to be served and filed by plaintiffs	January 8, 2007
Hearing on the government's motion for a stay pending disposition of interlocutory appeal in <u>Hepting</u>	February 1, 2007, at 2:00 pm
Hearing on the court's order to SHOW CAUSE why the <u>Hepting</u> order should not apply to all cases and claims to which the government asserts the state secrets privilege	February 1, 2007, at 2:00 pm